

from **Stuck in a Rut: The Role of Creative Thinking in Problem Solving and Legal Education**

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*E. Incubation/relaxation*

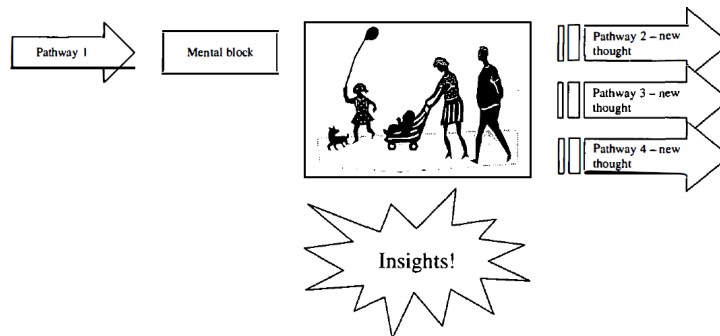
Another technique helpful throughout the process of creative thinking is incubation, or mind relaxation. For example, de Bono would label as “the creative pause,” activities such as taking a shower, working out, or taking a walk.<sup>67</sup> Essentially, we depart from our intense focus on a problem, and do something different, in order to “incubate” our ideas.<sup>68</sup> The idea is to relax one’s mind, or even “play,” in order to let creative processes flow more freely.<sup>69</sup> From a brain functioning perspective, this process operates as a combination of some of the techniques mentioned above. First, removing the pressure to find the answer allows the focus to recede from the pathway that has proven to be a dead-end. Second, when no immediate goal is forcing the brain down a particular path, it is free to allow other thoughts to emerge; some of these thoughts will most likely be related to the problem that has been the focus of thought. Finally, incubation can stimulate some of our right brain senses, as we smell, touch, or taste our new surroundings. Graphically, this might appear as:

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<sup>67</sup> DE BONO, *SERIOUS CREATIVITY*, *supra* note 6, at 86.

<sup>68</sup> *See, e.g.*, PLSEK, *supra* note 33, at 46. The incubation process is actually one of the necessary steps in creative thinking. It follows preparation (learning the knowledge and skills) and is the process in which the brain is doing something with the knowledge and skills. At the end of the incubation period comes illumination. *See* Heilman, *supra* note 15. *See also*, KOESTLER, *supra* note 10, at 193.

<sup>69</sup> EIFFERT, *supra* note 6, at 165, or 70-74. Eiffert’s work focuses on the left brain/right brain differential. According to Eiffert, playfulness helps stimulate the right hemisphere, thus allowing the brain to see new patterns. Although we must concentrate on a problem initially to prepare our minds, insight frequently comes when the brain is preoccupied with something other than the immediate problem. *Id.* at 55-57. Plsek also encourages us to “examine ideas that make you laugh.” *Supra* note 33, at 54.



Similar to the incubation process is the process of stimulating our brains by surrounding ourselves with new objects or new people.<sup>70</sup> As law professors, we do this by teaching a new course, attending conferences, engaging in pro bono activities, teaching with faculty of diverse backgrounds, taking sabbaticals, or involving ourselves with interdisciplinary work. New objects and people may present new ideas, actually creating new thoughts/pathways. We may make use of these new ideas by finding direct or indirect connections that help us see our problems in a new way. A direct answer would be learning how to solve the problem from someone who has successfully solved the same problem in the past. An indirect answer might be that the new information we acquire is then used in the processes mentioned above to create a new combination or connection between ideas.

While each of the techniques described above might stimulate or facilitate creative thinking, the techniques alone cannot be effective unless they are applied under conditions that encourage creative thinking. Creative thinking depends upon the availability of a number of factors or conditions that combine to allow it to flourish. In the presence of these conditions, one can employ any of the above techniques to further encourage creative thinking. The following part discusses these factors, their relationship to brain functioning, and their status in legal education.

<sup>70</sup> See EPSTEIN, GAMES, *supra* note 13, at 51-60.